EXPLANATION OF

10

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

الحمد الله وحده والصلاة والسلام على من لا نبيه بعده وعلى آله وصحبه أجمعين، أما بعد

We left off talking about the obligations of Wudū'. And the last term where we left off was,

وَالتَّرتيبُ،

It means washing the limbs of Wudū' one after the other, in sequential order – in the order that Allāh (سبحانه وتعالى) mentioned in the Qur'ān. IS it Wājib or Sunnah to do it in sequential order?

There is two opinions – the first opinion is that it's considered Wājib to perform Wājib in sequential order. And that's the opinion of the Shāfi'iyah, Hanābilah, and one of two opinions of the Mālikiyyah, and it's what Ibn Hazm chose, and it's what Ishāq Ibn Rahaway chose.

Let's take the second opinion, then we'll come back to show why this is the Rājih and correct opinion. The second opinion is that it's Sunnah, and it's the second opinion of the Mālikiyyah, the opinion of the Hanafiyyah, and the opinion of Dawūd Adh-Dhāhiri. They said the (و) in the verse,

فَاغسِلوا وُجوهَكُم وَأَيدِيَكُم

Is like saying, give Ahmad and Khālid a dollar, and (و) means and:

أعطي أحمداً وخالداً درهماً

It doesn't matter they said, if you give Ahmad or Khālid first, and they use verses in the Qur'ān where the (و) doesn't necessarily mean a particle order like,

وَأَتِمُّوا **الحَجَّ وَالعُمرَةَ** لِلَّهِ

Or the other verse:

يا مَريَمُ اقنُتي لِرَبِّكِ **وَاسجُدي وَاركَعي** مَعَ الرّاكِعينَ

Where Sujūd was mentioned before Rukū', then they mentioned other weak Ahādīth that there's no need to mention. The opinion that's Rājih is the first one, why? Because Allāh (سبحانه وتعالى) said,

فَاغسِلوا وُجوهَكُم وَأَيدِيَكُم إِلَى المَرافِقِ وَامسَحوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الكَعبَينِ

Allāh (سبحانه وتعالى) separated the limbs that are washed from the limbs that are to be wiped. And pay attention to this, Allāh (سبحانه وتعالى) mentioned washing the face, then washing the hands, then wiping the head, then washing the feet. In that context, breaking the sequence of matters that are alike, goes against the Arabic eloquence of keeping [that which is] similar together.

Had the order not been essential, the sequence of the verse wouldn't separate between the washed limbs with a wiped limb, and then they also said the verse only mentioned the obligations of Wudū'. Everything in that verse is Wājibat. There's no sunan in it. And they said the sequential order of Wudū' is impliedly mentioned, so it's obligatory, it's Wājib.

They also used, as their second proof, a Hadīth related by Abu 'Umāmah (رضي الله عنه) in Sahīh Muslim, and in that Hadīth pertaining to Wudū' he mentions (ثم) in between the acts of Wudū'. It's mentioned five times, (ثم) means [and] then,

ثم إذا غسل وجهه

ثم يغسل يديه

ثم يمسح

ثم يغسل قدميه

(ثم) is mentioned in that Hadīth, and that clearly means then, then, then.

Their third proof, is that all the various Ahādīth on Wudū' that were from various narrators, and took place at different locations and different timings, and they were so precise and detailed, that they mentioned the slightest of all variations. Like for examples, how many times the Messenger (صلى الله عليه وسلم) washed his limbs, whether it was once or twice or thrice. But they all had in common, the sequential order.

Ibn Al-Qayyim in Zād Al-Ma'ād said, the order of Wudū' acts is the same in all narrations – it's consistent.

Their fourth proof is they use the rationale that Wudū' is a 'Ibādah, it's like what follows it of Salāh. In Salāh you can't change the order around, just like you can't change around the rituals of the 'Ibādah of Hajj, they're 'Ibadāt – and they said the same applies to Wudū'.

The next term of the author is,

وَالْمُوالاةُ،

Muwalāh in the context of Wudū' is not to occupy yourself during Wudū' with something outside of it – avoiding intervals between the acts of Wudū', performing Wudū' without separating the acts. An-Nawawi (رحمه الله تعالى) relayed an 'Ijmā' that a slight interval in Wudū' does not void it. Other 'Ulamā' stated it's disliked to even have a short interval in Wudū' for no reason. That's not going against the 'Ijmā', they're just saying it's disliked – not that it's void.

We have two issues under Muwalāh, is it Wājib (obligatory) or not. Second, what's the duration that 'Ulamā' considered to be a long interval between the acts of Wudū'?

First of all, is Muwalāh an obligatory part of Wudū' or not? The first opinion is that it's Sunnah, not obligatory and that's the opinion Hanafiyyah, Ash-Shafi'ī in the new madhhab, and the Dhāhiriyyah. Their proof, the Hadīth in Muwata' Malik that Ibn 'Umar (رضي الله عنهما) urinated, then began the Wudū', washing the face, and the hands, and wiping on the head, then pay attention – he called in for a Janāzah, so he can perform Salāh on it, then he wiped over his khuff when he entered the masjid, then made Salāh on the Janāzah. He broke the Muwalāh from what it appears by asking for a Janāzah, and it appears he waited to enter the masjid before wiping over the khuff. They said this was not the single act of Ibn 'Umar (رضي الله عنهما) breaking the Muwalāh, but it was a Janāzah, and many Sahābah were there, and no one questioned him or objected.

They also said, in ghusl, the major impurity, there's no Muwalāh – so the same applies in Wudū'. [Becoming pure from] Major impurity doesn't request Muwalāh, so why are you requesting it in [becoming pure from] the minor impurity?

The second opinion, that said Muwalāh is Wājib which is the Mālikiyyah and Hanābilah, they said.

فَاغسِلوا وُجوهَكُم وَأَيدِيَكُم إِلَى المَرافِقِ وَامسَحوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الكَعبَينِ

Their proof is from the verse. The (ف) in the verse, (فَاغسِلو) comes to indicate (الرابطه الزاءدة) and that's better explained in a linguistics class – but our concern here is with the third type of (ف) which is (العاطفة). The (ف) of (العاطفة) means (التعقيب), means sequence, right after each other.

خرج راشدٌ فعميرٌ

Rāshid and [then] 'Umayr left.

Because we used the (ف) in that sentence, it means (تعقيب) – right after each other. 'Umayr left right after Rashid, no gap – that's all from the letter (ف) in the verse. They said the (ف) in the verse here means right after each other.

Their second proof is, in Sahīh Muslim that 'Umar (رضي الله عنه) related,

رَجُلاً تَوَضَّأَ فَتَرَكَ مَوْضِعَ ظُفُرٍ عَلَى قَدَمِهِ، فَأَبْصَرَهُ النَّبِيُّ صلى الله عليه وسلم، فَقَال:
"ارْجِعْ فَأَحْسِنْ وُضُوءَكَ"
فَرَجَعَ ثُمَّ صَلَّى

'Umar b. Khattab said that a person performed ablution and left a small part equal to the space of a nail (unwashed). The Apostle of Allāh (ﷺ) saw that and said: Go back and perform ablution well. He then went back (performed ablution well) and offered the prayer.

Al-Qurtubi, and Al-Qādi 'Iyād said, he was told, (ارْجِعْ فَأَحْسِنْ وُضُوءَكَ) go Ahsin Wudū'ak, he didn't so go wash that spot, they said it means go repeat your Wudū'. The gap was so long, that you cannot just go back and wash that little spot, you need to repeat your entire Wudū'.

But An-Nawawi correctly said, that's not correct because the term the Messenger (صلى الله عليه وسلم) used in that particular Hadīth (فَأَحْسِنْ), in Arabic could mean continue your Wudū' – wash that part or start over again.

There's other Ahādīth, and several of them, that the Messenger (صلى الله عليه وسلم) supposedly saw someone making Wudū' missing a tiny part in their foot, and he clearly said go back and repeat the Wudū'. But those Ahādīth clearly saying 'repeat' are not authentic.

The third proof, they said, Wudū' was narrated by the Sahābah and had avoiding long intervals between Wudū' acts been permissible the Messenger (صلى الله عليه وسلم) would have done it at least once to show us because it's something we do several times on a daily basis and he (صلى الله عليه وسلم) would have taught us that and would not have left something like that out.

The verse and what the 'Ulamā' inferred from it linguistically, along with the Hadīth (ارْجِعْ فَأَحْسِنْ وُضُوءَكَ) and that we don't know that the Messenger (صلى الله عليه وسلم) ever left long intervals in his Wudū' gives more weight to the second opinion.

The second issue. What's considered a short or long interval between the acts of Wudū'. The majority of the 'Ulamā', and among them is the Hanafiyyah, Shāfi'iyyah, Hanābilah, An-Nawawi chose this, and Ibn 'Abidīn chose this, what they said is to do the next Wudū' act before the previous limb dries. And they say we go by what's normal, average temperature. Meaning if you're in very hot weather, your face dries before your arms – that doesn't affect you. For example, in Medina or Mecca during Hajj or other very hot countries in the hot summers – that actually happens (the limbs may dry quickly before the next act of Wudū' takes place). But that has no effect, it's by what the average temperature would be – not by when it's exceptionally hot.

The second opinion is another opinion of the Hanābilah, another opinion of the Shāfi'iyyah, and the opinion of the Mālikiyyah, and it's what would generally be considered an extreme gap. They said, the duration of that gap is not explicit in the text – Qur'ān and Sunnah. So we go by the 'Urf, what's the 'Urf? The custom knowledge, the norm of society. This is more of a solid opinion, why? Because when something like this, which is the duration of a gap in Wudū' that would be considered too long is not mentioned in the Shar', or linguistically, you resort to the 'Urf – what's customary. What is generally considered a long interval would be taken as that.

The next term of the author is,

وَالنِّيَّة.

Intention in Wudū'.

And intention in Wudū' is intention to remove the hadath – the impurity. Intention to make a 'Ibādah permissible that would otherwise be impermissible like Salāh and Tawāf. The intention of performing the Fard of Wudū'. Our author mentioned it in the Wājibat, because we said in the beginning of the class we're continuing on with the Wājibat. But in reality, the 'Ulamā' refer to the Niyyah as a shart. A shart is a prerequisite of a 'Ibādah. It's what's outside the 'Ibādah that must continue throughout the 'Ibādah – from the start of it to the end of it. Shart is what starts from

prior to beginning the 'Ibādah all the way to the end, like Wudū' is to Salāh, like facing the qiblah is to Salāh. They're matters outside the 'Ibādah that start prior to the 'Ibādah and continue throughout to the very end, and likewise here Niyyah is to Wudū'. Niyyah must be before the Wudū' starts and continue throughout until the end. But the author here mentioned it as a Wājib, because he considers it an obligatory part of Wudū'. Al-Wājib is,

فعل المكلف الذي أمره الله تعالى به على سبيل الإلزام

Wājib is what's enjoined by way of an obligation – whoever does it deserves the reward, and whoever doesn't do it deserves a punishment.

From that perspective, it's also a Wājib. So in reality it's both a shart and a Wājib, and you'll see later on when we talk more about Salāh and these matters in Salāh that every shart is a Wājib. Now is Niyyah for Wudū' Wājib? When it's time for Salāh, you get up and you walk to the bathroom to make Wudū', why did you go to the bathroom, why did you go to the restroom? The intention was for Wudū', that's the intention. That Niyyah is clearly there. And that's what happens most of the time, someone came for example, back from a hot day of work – it's time for Salāh, he said let me take a shower and make my Salāh. He wanted to clean himself and cool off and make Salāh, the intention is there, the problem is when someone comes back from work. It's not time for Salāh, he didn't have the 'Ibādah of Salāh on his mind. He takes the shower to cool off or cleanse himself, there was no intention for Salāh. Someone wasn't on Wudū', he was in a boat. He took a dive in the water to swim and have fun. Salāh time comes, was that dive sufficient even though he had no intention for 'Ibādah, he was just having fun. To better understand this, you would need to understand the reason for the dispute among the 'Ulamā'.

The dispute roams around what type of 'Ibādah is Wudū'. Is 'Ibādah closer to the 'Ibadāt that are similar to Salāh where Niyyah (intention) is definitely a pre-requisite for it, or is it a 'Ibādah like purifying your clothes from Najāsah. Niyyah is not a pre-requisite for purifying your clothes from Najāsah. The scholars agree – maybe the only one I know of who doesn't agree on this matter (the only one) is probably Al-Qarāfi from Al-Mālikiyyah who said, Niyyah is a requirement for cleaning the Najāsah on clothes. And the 'Ulamā' considered this opinion (شاذ) bizarre and odd. So Wudū' has similarities to both sides, the majority felt it was more closely resembling 'Ibadāt like Salāh.

The Hanafiyyah felt it more closely resembled 'Ibadāt like removing impurity from clothes, which doesn't need a Niyyah. Another angle for the reasoning of the dispute is that the majority of the 'Ulamā' said, means of 'Ibadāt need a Niyyah. Wudū' is a means of Salāh, Tawāf, and other 'Ibadāt. While Hanafiyyah said it's not a means of 'Ibadāt, do not need a Niyyah.

Now let's take the opinions, the first opinion is the Hanafiyyah. They said Niyyah in Wudū' is Sunnah – not obligatory. They used the verse,

يا أَيُّهَا الَّذينَ آمَنوا إِذا قُمتُم إِلَى الصَّلاةِ فَاغسِلوا وُجوهَكُم وَأَيدِيَكُم إِلَى المَرافِقِ وَامسَحوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الكَعبَينِ

They said, Allāh (سبحانه وتعالى) said to wipe and wash – ghusl – which means to run water over a limb – there's no Niyyah aspect to it. Whoever adds Niyyah is adding to the proof. And then they used other verses pertaining to washing or purification which mention purification without Niyyah, similar to that verse,

ولا جنبا عابر سبيل

وَلٰكِن يُرِيدُ لِيُطَهِّرَكُم

There's no intention mentioned in them. So their rationale is washing, Wudū', or ghusl (washing) is just running the water over the limb with no intention aspect to it. The second, and Rājih opinion, and is that of the Mālikiyyah, Shāfi'iyyah, and Hanābila, and they said that it's a Shart and Wājib for Wudū' and Ghusl. An-Nawawi mentioned the verse:

وَما أُمِروا إِلّا لِيَعبُدُوا اللَّهَ مُخلِصينَ لَهُ الدّينَ

They were only commanded to worship Allāh Alone sincerely, and only Allāh.

An-Nawawi said Niyyah,

الإِخْلاصُ عَمَلُ الْقَلْبِ وَهُوَ النِّيَّةُ وَالأَمْرُ بِهِ يَقْتَضِي الْوُجُوبَ

Ikhlās in that verse, means it's a heart action, and that's exactly what intention is. And in that verse, it means it's an obligation – it's an order and that order means an obligation. They also used the Hadīth,

إنما الأعمال بالنيات

They said based on the verse and the Hadīth every 'Ibādah requires a Niyyah. And then they said, an action you do will not be considered a full Shar'i act unless it's combined with a

Niyyah. Washing the hands and faces and limbs of Wudū' or ghusl is cleanliness – combined with Niyyah it becomes a 'Ibādah.

While we're at that, take this rule. Niyyah is essential for ordains, where one is ordered to do something, and it's a pre-requisite for reward when leaving the prohibitions. Leaving zina (fornication) for example. Someone had the opportunity (to do zina), he left it. Because he left it he didn't get any sins, but in order to attain the reward he needs to have the Niyyah that he left it for Allāh's sake. So, in ordainments the Niyyah makes the matter accepted, and the Niyyah gives reward to those who leave prohibitions.

The next issue that comes to mind under this matter, is verbally saying the Niyyah. Ibn Taymiyyah (رحمه الله تعالى) said in meaning, verbally mentioning the Niyyah and repeating it is not proper and whoever repeats that bi'dah must be taught a lesson to stop that person from worshipping Allāh (سبحانه وتعالى) with a bid'ah. And he said in another quote, that whoever raises his voice in Niyyah deserves a Ta'zīr punishment, which is a punishment that's left for a Muslim judge in an Islamic Khilāfah.

He said, what's attributed to Ash-Shāfi'i in raising the voice in Niyyah is wrong. He said they took his statement out of context. He said one should speak at the start of Salāh,

إن الصلاة لابد من النطق في أولها

That's what Ash-Shāfi'i said.

Ibn Taymiyyah said the followers of Ash-Shāfi'i misunderstood that to be verbally mentioning the Niyyah, when in reality Ash-Shāfi'i was talking about Takbīr in the beginning of Salāh. Ibn Taymiyyah said silently, affirming the Niyyah to oneself is disputed into two opinions. So, what he was talking about – the earlier quote – was saying it loudly. Mentioning that to oneself, there's two opinions, and the correct opinion is that it should not be mentioned even silently because it was not narrated by any of the Salaf.

People misconstrue his earlier statement where he said it's (إتفاق) by the scholars, he was talking about loudly saying it. So, some 'Ulamā' said to mention to oneself silently affirms the Niyyah, the others like Ibn Taymiyyah said, you should not mention it silently to yourself, because it's a 'Ibādah, and the Messenger (صلى الله عليه وسلم) didn't do it, nor did the Sahābah, they did not mention Niyyah verbally, silently, or out loud in their 'Ibādah. This is something the Ummah needs day and night, and the Messenger (صلى الله عليه وسلم) would've informed us of it if it was part of the 'Ibādah without any delay. Ibn Taymiyyah (رحمه الله تعالى) said, silently mentioning it was never narrated by any of the Salaf. He said, Ibn Taymiyyah considered one who verbally mentions the Niyyah silently or out loud – deficient mentally and in their deen. He said mentioning the Niyyah

is like someone who's trying to eat saying, my Niyyah is to put my hand in the cupboard and take a bite, then put it in my mouth, then I'm going to chew it, swallow it, then I'm going to satisfy my hunger. He called it: (حمق الجهل).

He said when one knows, comprehends, and understands what he's about to do, that's the Niyyah right there. And Ibn Al-Qayyim (رحمه الله تعالى) summarized this issue and made it clear as clear can be, he said the Messenger (صلى الله عليه وسلم) never verbally said 'I intend to make Wudū'.' The Messenger (صلى الله عليه وسلم) never did that, nor did any of the Sahābah, there isn't a single narration like that that's authentic, and there isn't even one that's not authentic (with chains to it).

One of our teachers told us once, that someone made Salāh next to another person in Makkah, and the individual said 'O Allāh my intention is to pray Salatu-Adh-Dhuhr four rak'āt behind the Imām of the haram.' The man next to him grabbed his hand and said, 'You forgot something, you left the day and the date,' which made that person realize that there's no need to verbally state the Niyyah.

I think we'll stop here today and we'll continue next week inshā'Allāh. Jazākum Allāhu Khair,

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم